

236
LABOUR DEPARTMENT

The 3rd February, 1986

No. 9/86-6Lab/436.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s Continental Valve Limited, Plot No. 1, Raj Ka Meo, Village Sohna, District Gurgaon.

**IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD**

Reference No. 404 of 1984

between

**SHRI BABU LAL, WORKMAN AND THE RESPONDENT-MANAGEMENT OF M/S
CONTINENTAL VALVE LIMITED, PLOT NO. 1, RAJ KA MEO, VILLAGE SOHNA,
DISTRICT GURGAON**

Present—

Shri Amar Singh, for the workman.

Shri M.P. Gupta, for the respondent management.

AWARD

This industrial dispute between the workman Shri Babu Lal and the respondent-management of M/s Continental Valve Limited, Plot No. 1, Raj Ka Meo, Village Sohna, District Gurgaon, has been referred to this Court by the Hon'ble Governor of Haryana,—*vide* his Order No. ID/GGN/116-84/39741-46, dated 30th October, 1984, under section 10(i)(c) of the Industrial Disputes Act, 1947, for adjudication. The terms of the reference are:—

Whether the termination of services of Shri Babu Lal was justified and in order? If not, to what relief is he entitled?

According to the demand notice, the workman was employed on 1st January, 1983. His services were illegally terminated on 26th June, 1984. He has claimed reinstatement with continuity of service and with full back wages. In the claim statement he has contended that his services were terminated because he was organising the workers to redress their grievances in a constitutional manner but the management did not like it and he was thrown out of employment.

This reference has been contested by the management. It is denied that he was employed on 1st January, 1983. It is *inter alia* pleaded that he was employed on 5th March, 1984, on casual basis @ Rs. 22 per day. Only five workers were working at the time of termination. Hence standing orders are not applicable.

In his rejoinder, the workman has denied the averments of the management. The parties contested the reference on the following issue:—

(i) As per reference?

I have heard the representatives of both the parties and gone through the evidence on record. My findings on the issues are as under:—

Issue No. I :

The management has examined MW-1 Shri Digamber Singh. He has stated that he was employed in March, 1984, on casual basis as a welder. The welding set was purchased in the company in March, 1984. MW-2 Shri Jai Parkash Vasudev is the accountant. He is working with the respondent since 22nd August, 1983. He has contended that first pay of the workers was disbursed on 9th April, 1984,—*vide* voucher Ex.M-1. Second payment was given to him on 26th April, 1984. This voucher is Ex.M-2. The welding set was purchased,—*vide* receipts Ex.M-3 and M-4. The welding work started only in March, 1984. MW-3 Shri J. K. Afridi has stated that the company started functioning in March, 1984. Land was purchased from H.U.D.A. and possession of land was taken on 7th June, 1983. Copy of the possession letter is Ex.M-5. He has also brought the attendance register. Photo copy copy of the register is Ex.M-5 to M-7. He was appointed on casual basis on 5th March, 1984. The management has also examined Shri C. D. Josf. He has also supported the other averments of the

management. As against this evidence, the workman has appeared as WW-1 and also relied upon the identity card Ex.W-1. It is alleged that it was signed by Shri K. G. Verma. He has further stated that he was appointed by Shri K. G. Verma. He has admitted that he had joined his duty in Okhla and he was transferred to Raj Ka Meo Industry. No transfer letter was issued to him. There is no evidence on the file that the factory at Okhla is owned by the respondent. It is proved by the letters of possession that possession of the plot was taken by the respondent management on 7th June, 1983,—*vide* letter Ex.M-5. It is further cleared that the workman was appointed in respondent factory only after June, 1983. Even the workman has admitted that originally he was appointed in Golden Press, Okhla, but he was transferred to Raj Ka Meo. Hence the evidence of the respondent has to be relied upon. The workman has relied upon identity card W-1 which has been issued by Shri K. G. Verma. On the other hand no other workers were produced that such identity cards were issued by the respondent. Welding set was purchased only in June, 1983. The claimant was appointed as welder. Hence he could not be appointed as welder in March, 1983. He was certainly appointed after the purchase of the set. Hence averments of the workman that he was appointed on 1st January, 1983, is falsified. The management has relied upon application for employment Ex.M-1 which bears the signatures of the workman. It is dated 11th March, 1984. It has not been formally proved. But the signatures of this are identical on the demand notice. From all the evidence I find that the workman was appointed in March, 1984 and his services were terminated on 26th May, 84. He has not completed 240 days of service. Hence the provisions of section 25-F of the Industrial Disputes Act, 1947, were not applicable. His services could be terminated at any time without any notice. I, therefore, find that the order of terminating the services of the workman was legal and justified. He is not entitled to any relief.

The award is given accordingly.

R. N. SINGAL,

Presiding Officer,
Labour Court, Faridabad.

Endst. No. 5, dated the 7th January, 1986.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

R. N. SINGAL,

Presiding Officer,
Labour Court, Faridabad.

The 11th February, 1986

No. 9/9/86-6Lab/678.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Raunak Refractories, Plot No. 394, Sector 24, Faridabad.

BEFORE SHRI R. N. BATRA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD

Reference No. 514/1983

between

SHRI MUKESH RAI, WORKMAN AND THE MANAGEMENT OF M/S RAUNAK REFRactories,
PLOT NO. 394, SECTOR 24, FARIDABAD

Present—

Shri Jawahar Lal, for the workman.

Shri Jagbir Singh Badhana, for the management.

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between the Shri Mukesh Rai, workman and the management of M/s Raunak Refractories Plot No. 394, Sector 24, Faridabad, to this Tribunal, for adjudication :—

Whether the termination of service of Shri Mukesh Rai was justified and in order ? If not, to what relief is he entitled ?

2. Notices were issued to both the parties. In the demand notice dated 15th June, 1983, it was alleged that the claimant was in service of the respondent-management for the last 7 months and was getting Rs. 300 as wages. It was further alleged that in April, 1983, he went to his house after taking leave due to some urgent work, but he was not allowed to join duty on 2nd May, 1983, when he came back from his house. It was, therefore, prayed that the claimant be reinstated with full back wages.

3. The management in its written statement dated 9th November, 1984, pleaded that the claimant worked with the respondent from 15th February, 1983, but in March, 1983, he left the services of his own accord and got his full payment for that period.

4. The claimant in his rejoinder filed on 10th December, 1984, reiterated the pleas taken in the demand notice.

5. On the pleadings of the parties, the following issues were framed on 10th December, 1984:—

- (1) Whether the workman left the services of his own accord as pleaded ? OPM
- (2) Whether the workman had got full payment as pleaded ? OPM
- (3) Whether the termination of service of Shri Mukesh Rai was justified and in order ? If not, to what relief is he entitled ?

6. It may be mentioned that the management has examined one witness and document Ex. M-1 has been tendered into evidence. The claimant has appeared in the witness box and the document Ex. W-1 has been tendered into evidence. After going through the entire evidence and hearing the representatives of both the parties, my findings on the above issues are as under :—

Issue No. 1:

7. The management has examined MW-1 Shri Pritam Singh Proprietor who stated that the claimant worked in February, 1984, for 4 days while he worked for 12 days in March, 1983 and that Ex. M-1 was the copy of the attendance register, on which the claimant had received the amount paid to him and entries were signed by him. WW-1 Shri Mukesh Rai claimant stated that he was employed by the respondent in September, 1982, and that no appointment letter was given to him. He further stated that he was told that he was being employed on permanent basis and that no E.S.I. card, pay slip, leave book etc. were given to him and when he demanded these facilities in May, 1983, he was turned out by the management. The document Ex. W-1 has been tendered into evidence, which contains the report made by the Conciliation Officer.

8. A perusal of the above evidence would show that MW-1 Shri Pritam Singh has deposed that the claimant worked for 14 days in February, 1983 and 12 days in March, 1983. His version finds corroboration from the entries made in the attendance register copy Ex. M-1, which shows that the claimant remained in service of the respondent-management from 15th February, 1983 to 12th March, 1983, i. e. for 26 days. The testimony of the claimant Shri Mukesh Rai to the effect that he was appointed on permanent basis in September, 1982, cannot be accepted because no documentary evidence has been produced by him to show that he was appointed on permanent basis in September, 1982. In the document Ex. W-1, which is the report made by the Conciliation Officer, it is recited that the claimant took the plea that he went to his home on leave. In the demand notice it was mentioned that the claimant went to his home after getting the leave sanctioned in April, 1983. No document has been produced by the claimant to show that he made any application or that his leave was sanctioned. According to the testimony of MW-1 Shri Pritam Singh, the claimant was not in service in April, 1983. In the document Ex. M-1, it is recited that the claimant became absent after 12th March, 1983. No complaint was filed by the claimant immediately after 12th March, 1983, to the effect that he was not being taken on duty. Consequently, the plea of the management appears to be correct when it is stated that the claimant left the job of his own accord after 12th March, 1983. The issue is decided accordingly in favour of the management.

Issue No. 2:

8. MW-1 Shri Pritam Singh stated that the claimant had received the amount of wages as mentioned in the document Ex. M-1 and that he signed this document when the amount was paid to him. This document shows that the wages for the period 15th February, 1983 to 12th March, 1983, were paid to the claimant. Consequently, this evidence shows that the claimant had received the wages for the period 15th February, 1983 to 12th March, 1983. The issue is decided accordingly in favour of the management.

Issue No. 3:

9. As mentioned in issue No. 1 above, the claimant worked for 26 days only. Even in the demand notice, the claimant took the plea that he worked for about 7 months, which period was less than 240 days. The provisions of section 25-F of the Industrial Disputes Act, 1947, are not attracted to the

239

facts of the present case because the claimant worked for 26 days only and as such the termination of service of the claimant was justified and in order and he is thus not entitled to any relief. The award is passed accordingly.

R. N. BATRA,

Presiding Officer,

Industrial Tribunal, Haryana,
Faridabad.

Dated the 13th January, 1986

Endst. No. 34, dated the 13th January, 1986.

Forwarded (four copies), to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

R. N. BATRA,

Presiding Officer,

Industrial Tribunal, Haryana,
Faridabad.

No. 9/9/86-6Lab./679.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s (i) Ram Lagan Contractor, c/o Vardhman Spinning General Mills Ltd., 264/24, Faridabad ; (ii) Vardhman Spinning and General Mills (Rolling Mill Div.), 264/24, Faridabad.

BEFORE SHRI R. N. BATRA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD

Reference No. 489/1983

between

SHRI RAMDU RAM, WORKMAN AND THE MANAGEMENT OF M/S (i) RAM LAGAN CONTRACTOR, C/O VARDHMAN SPINNING GENERAL MILLS LTD., 264/24, FARIDABAD; (ii) VARDHMAN SPINNING AND GENERRL MILLS (ROLLING MILL DIVISION), 264/24, FARIDABAD

Present :

Shri H. R Dua, for the workman.

None for the management.

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between Shri Ramdu Ram, workman and the management of M/s Ram Lagan Contractor, c/o Vardhman Spinning General Mills Ltd., 264/24, Faridabad, (ii) Vardhman Spinning and General Mills (Rolling Mill Division), 264/24, Faridabad, to this Tribunal, for adjudication :—

Whether the termination of service of Shri Ramdu Ram was justified and in order ? If not, to what relief is he entitled ?

2. Notices were issued to both the parties. In the claim statement dated 27th July, 1984, it was alleged that the claimant was working in the factory as Helper since August, 1980, at the rate of Rs 340 but he was not allowed to join duty on 5th January, 1983. It was further alleged that no charge-sheet was given to the claimant nor any enquiry was held nor any payment was made to him under section 25-F of the Industrial Disputes Act, 1947, and as such termination of his service was illegal and unjustified. It was, therefore, prayed that the claimant be reinstated with full back wages.

3. Shri Ram Lagan Contractor in his written statement, dated 16th October, 1984, pleaded that there was no relationship of employer and employee between the parties and as such the question of terminating the services of the claimant did not arise. M/s Vardhman Spinning & General Mills Ltd., Faridabad, respondent No. 2 also took similar pleas.

4. On the pleadings of the parties, the following issues were framed on 11th December, 1984:—

- (1) Whether there is no relationship of employer and employee between the parties? OPM
- (2) Whether the termination of service of Shri Ramdu Ram was justified and in order? If not, to what relief is he entitled? OPM

5. It may be mentioned that the respondents examined two witnesses and the case was fixed for evidence of the claimant, but ultimately none appeared on his behalf on the last date of hearing and as such *ex parte* proceedings were ordered against him. I have also heard the representative of the management and have gone through the evidence. My findings on the above issues are as under:—

Issue No. 1 :

6. MW-1 Shri Vimal Parshad stated that he was working with Shri Ram Lagan Contractor respondent No. 1. He further stated that he had brought the record from September, 1982, onward and that the name of the claimant was not entered in the attendance register. He further stated that Shri Ram Lagan Contractor was given the job on contract basis by M/s Vardhman Spinning and General Mills Ltd. respondent No. 2 and the bills were submitted by the contractor after deducting the employees share towards the E.S.I. contribution. MW-2 Shri Veer Singh, Time-keeper of respondent No. 2, stated that the attendance register/E.S.I. record of respondent No. 2 was being maintained by him regularly. He further stated that he had brought the record for the years 1981 to 1983 and that the name of the claimant did not appear in the record. He further stated that the claimant never worked in the mills of the respondent No. 2. The testimony of Shri Vimal Parshed and MW-2 Shri Veer Singh goes to show that the claimant never remained in their employment because his name does not find mention in the attendance register maintained by the respondents. There is no evidence in rebuttal because the claimant did not appear and *ex parte* proceedings were ordered against him. Consequently, the respondents have been able to prove that there is no relationship of employer and employee between the parties. The issue is decided accordingly in favour of the respondents.

Issue No. 2 :

7. In view of my finding on issue No. 1, this issue does not arise for decision because once the relationship of employer and employee between the parties has not been proved, the question of terminating the service of the claimant by the respondents does not arise. Consequently, the claimant is not entitled to any relief. The award is passed accordingly.

R. N. BATRA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated the 13th January, 1986.

Endst. No. 35, dated 13th January, 1986.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

R. N. BATRA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 9/9/86-6Lab/682.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Satara Rubber, 18/1, Mathura Road, Faridabad.

BEFORE SHRI R.N. BATRA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD

References Nos. 85/1981 & 86/1981

between

THE MANAGEMENT OF M/S. SATARA RUBBER, 18/1, MATHURA ROAD, FARIDABAD
AND ITS WORKMEN

Present:

Shri M. K. Bhandari, for the workmen.

Shri S. D. Mishra, for the management.

AWARD

This award would dispose of two consolidated references bearing No. 85/1981 (Workmen V/s M/s Satara Rubber, 18/1, Mathura Road, Faridabad) and No. 86/1981 (Workmen V/s Satara Rubber, 18/1, Mathura Road, Faridabad). The main proceedings have been held in reference No. 85 of 1981.

2. In exercise of the "powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana, referred the following dispute between the Management of M/s. Satara Rubber, 18/1, Mathura Road, Faridabad and its 31 workmen to this Tribunal for adjudication:—

Whether the termination of service of the following 31 workmen is justified and in order? If not, to what relief are the workmen entitled to?

- | | |
|----------------------------|---------------------------|
| 1. Shri Gopal Chander Shah | 2. Shri Bechu Ram |
| 3. Shri Sat Narain | 4. Shri Ram Sukh |
| 5. Shri Sarju Singh | 6. Shri K. C. Kohli. |
| 7. Shri Bhagwati Parshad | 8. Shri Chhottey Lal |
| 9. Tribhavan Singh | 10. Shri Lal Mohammad |
| 11. Shri Raj Mani | 12. Shri Ram Ujjagar |
| 13. Shri Sukh Ram | 14. Shri Mangee Parsad |
| 15. Shri Ram Nand Singh | 16. Shri Phool Chand |
| 17. Shri Radhey Shyam | 18. Shri Ram Saneshi |
| 19. Shri Bhagwan Singh | 20. Shri Swami Nath |
| 21. Shri Kanshi Ram | 22. Shri Nageshwar Parsad |
| 23. Shri Ram Babu | 24. Shri Ram Adhar |
| 25. Shri Shyam Lal | 26. Shri Ashok Kumar |
| 27. Shri Ram Manohar | 28. Shri Narkesh |
| 29. Shri Rajinder | 30. Shri Basant Lal |
| 31. Shri Shiv Kumar Bachi. | |

3. Notices were issued to all the parties. The claimants in their claim statement dated 11th June, 1981 alleged that their services were terminated by the management on 8th November, 1980/22nd October, 1980 without any justification. It was further alleged that if the management took the pleas of retrenchment/closure, the same were not available to them. It was further alleged that the retrenchment compensation had not been paid to the claimants and that the claimants were entitled to reinstatement with full back wages.

4. The management in their written statement dated 27th August, 1981 pleaded that the claimants were retrenched with effect from 8-11-80/22-10-1980, as the management had decided to close down the Cycle Tubes Department. It was further pleaded that the production of Cycle Tubes was closed down because during the last two years almost the entire production of the cycle tubes was sold to M/s Atlas Cycle Company, Sonepat, but they had received no fresh order from them and as such it was considered inadvisable to continue producing bicycle tubes, as a result of which they had to retrench the claimants. It was further pleaded that all the claimants were called upon to collect their retrenchment notices and also their full and final dues, but they had refused to do so and the management was left with no other alternative, but to send the notices through registered A. D. post and the amounts by money order at their home addresses. It was further pleaded that the retrenchment compensation alongwith their full and final dues were remitted through moneyorder to each claimant, but they refused to accept the same and that the letters/money orders were received back by the postal authorities. It was further pleaded that all the provisions of Section 25-F of the Industrial Disputes Act, 1947, were complied with and that the claimants were retrenched under unavoidable circumstances. In reference 85/1981, it was further pleaded that 9 workers had already settled their accounts and collected their full and final dues, while 7 workers in reference No. 86 of 1981 had done so.

241

5. On the pleadings of the parties, the following issues were framed on 24th September, 1981 and 9th September, 1985:—

- (1) Whether the 16 claimants as mentioned in the written statement had settled their full and final accounts with the Management as pleaded ? OPM
- (2) Whether the termination of services of the claimants was justified and in order ? If not, to what relief are they entitled ? OPM

6. It may be mentioned that the Management examined one witness and document Ex. M-1 to M-97 have been tendered into evidence. The claimants have examined two witnesses and the document Ex.W-1 has been tendered into evidence. After going through the entire evidence and hearing the representative of both the parties, my findings on the above issues are as under:—

Issue No. 1:

7. MW-1 Shri Vishnu Choudhary has proved the documents Ex. M-25 to 42 and Ex.M-45 to M-74 and deposed that 16 claimants as mentioned in the written statement had settled their full and final accounts. The names of those 16 claimants are as under:—

- | | |
|-------------------------|---------------------------|
| 1. Shri Sarju Singh | 2. Shri K. C. Kohli |
| 3. Shri Chhotte Lal | 4. Shri Tribhawan Singh |
| 5. Shri Raj Mani | 6. Shri Ram Ujjagar |
| 7. Shri Rama Nand Singh | 8. Shri Phool Chand |
| 9. Shri Sat Narain | 10. Shri Radhey Shyam |
| 11. Shri Kanshi Ram | 12. Shri Ram Adhar |
| 13. Shri Ram Manohar | 14. Shri Nageshwar Parsad |
| 15. Shri Ashok Kumar | 16. Shri Rajinder. |

The claimants have examined WW-1 Shri Bechu Ram and WW-2 Shri Swami Nath Parshad. They have not deposed anything in rebuttal. The oral as well as documentary evidence led by the Management, therefore, stands unrebutted. Consequently, it is held that abovementioned 16 claimants have settled their full and final accounts with the Management. The issue is decided accordingly in favour of the Management.

Issue No. 2:

8. The Management has examined MW-1 Shri Vishnu Choudhary, Production Superintendent who stated that the retrenchment was effected in the respondent Company when notices Ex. M-1 and M-11 were sent to the Government, while notices Ex. M-2 and M-12 were pasted on the notice board and that notices Ex. M-4 to M-10 and Ex. M-14 to M-21 were given to the remaining claimants, but they refused to receive the same and as such, the notices as well as the money orders were sent to the remaining claimants and that the postal receipts, undelivered letters/money orders were Ex. M-22 to M-97. He further stated that the respondent company was closed in October, 1980.

9. The claimants have examined WW-1 Shri Bechu Ram, who stated that he was turned out on 11th August, 1980, when no notice was given to him nor any notice was pasted on the notice board. He further stated that no seniority list was displayed on the notice board and that no amount was paid to him or remitted to him by money order. He further stated Ex. W-1 was the copy of the conciliation report and that the Management did not appear in those proceedings. To similar effect is the statement of WW-2 Shri Swami Nath Parshad.

10. A perusal of the above evidence would show that the notices Ex. M-2 and M-12 were pasted on the notice board, while notices Ex. M-1 and M-11 were sent to the Government regarding retrenchment of the claimants. The notices Ex. M-4 to M-10 and Ex. M-14 to M-21 were given to the remaining claimants and a note has been given on these documents to the effect that the workers had refused to receive the same and, as such, the notices were being sent by registered A. D. post and that one month notice pay and retrenchment compensation was also being remitted to them by Money order on that very date. The documents Ex. M-22 to M-97 go to show that the remaining claimants had refused to receive the registered notices, which were received back as undelivered

and that they had also refused to receive the amount remitted to them through money orders and that the money orders were also received back. The documents Ex. M-3 and M-13 show that the seniority list was prepared and displayed on the notice board. The oral testimony of the claimants WW-1 Shri Bechu Ram and WW-2 Shri Swarhi Nath Parshad to the effect that the requisite notices were not sent to them or that the same were not pasted on the notice board or that the amount was not remitted to them by money orders cannot be accepted because the Management has led documentary evidence to show that all the formalities contained in section 25-F of the Industrial Disputes Act, 1947, were complied with.

11. It was argued by the representative of the claimants that there was no cogent ground to effect retrenchment of the claimants. In the notices, EX.M-2, M-12 and M-4 to M-10 and M-14 to M-21, it is recited that the Management had stopped production of bicycle tyres because previously these goods were being sold to M/s Atlas Cycle Company, Sonepat, but no fresh orders were being received from Sonepat and as such it was considered inadvisable to continue the production of cycle tubes because there were no market prospects. The management thus gave reasons for affecting retrenchment because bicycle tubes were not being sold in the market. MW-1 Shri Vishnu Choudhary stated that the respondent company was closed in October, 1980. The management has thus given cogent reasons to effect the retrenchment.

12. In view of the above discussion, it is held that the Management effected retrenchment on cogent ground and complied with the formalities contained in section 25-F of the Industrial Disputes Act, 1947. Consequently, termination of services of the remaining claimants was neither illegal nor unjustified and as such the remaining claimants are not entitled to any relief. The award is passed accordingly.

Dated the 13th January, 1986.

R. N. BATRA,

Presiding Officer,

Industrial Tribunal, Haryana,
Faridabad.

Endst. No. 38, dated the 13th January, 1986

Forwarded (four copies), to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the I. D. Act, 1947.

R. N. BATRA,

Presiding Officer,

Industrial Tribunal, Haryana,
Faridabad.

The 12th February, 1986

No. 9/6/86-6 Lab/534:—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workmen and the management of Messrs Mangla Products, Chhachhrauli Gate, Jagadhri.

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER,
LABOUR COURT, AMBALA

Reference No. 433 and 434 of 1984

(Old No. 23 of 1983)

SHRI JOGINDER AND PHOOL CHAND, WORKMEN AND THE MANAGEMENT OF MESSRS
MANGLA PRODUCTS, CHHACHHRAULI GATE, JAGADHRI

Present :

None for workmen.

None for respondent.

243
AWARD

The Hon'ble Governor of Haryana in the exercise of powers conferred,—*vide* clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 referred dispute between Shri Joginder and Phool Chand workmen and Messrs Mangla Products, Jagadhri to Labour Court, Faridabad. The terms of reference were as under:—

Whether the termination of services of Shri Joginder and Phool Chand workmen was just and in order? If not, to what relief are they entitled?

On creation of this Court this reference was received by transfer.

Joginder and Phool Chand workmen alleged that they served the respondent-management for one year. On 14th July, 1982 their services were terminated in contravention of section 25 (F) of the Industrial Disputes Act, 1947. They have prayed for their re-instatement with continuity in service and with full back wages.

Respondent was served. Shri Subhash Bindra appeared for the management. The reference was fixed for 30th October, 1985 for recording the evidence of the management but the workmen as well as their authorised representatives absented themselves, so this reference is dismissed in default.

Dated the 19th November, 1985.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

Endst. No. 2786, dated the 20th November, 1985.

Forwarded (four copies), to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

No. 9/6/86-6Lab./743.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of M/s Sumeru & Sehari, 219, Industrial Area, Panchkula:—

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER,
LABOUR COURT, AMBALA

Reference No. 216 of 1985

between

SHRI SATISH CHAND WORKMAN AND THE MANAGEMENT OF THE MESSRS
SUMERU AND SEHARI, 219, INDUSTRIAL AREA, PANCHKULLA,

Present:—

None for the workman.

Shri R. L. Chopra for the respondent.

AWARD

The Hon'ble Governor of Haryana in exercise of its powers conferred,—*vide* clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, referred dispute between Shri Satish Chand workman and the Messrs Sumeru and Sehari Industrial Area, Panchkulla, to this Court. The terms of the reference are as under:—

Whether the termination of services of Shri Satish Kumar is according to law in order? if not, to what relief is he entitled to?"

Satish Chand workman alleged that he was in the employment of respondent-management for the last two years as a Turner. His services were terminated on 20th April, 1985 in violation of section 25(F) of the Industrial Disputes Act, 1947. He has prayed for his re-instatement with continuity in service and as well as with full back wages.

Respondent was served. Shri R. L. Chopra appeared for the Management. The case was fixed for filing claim statement for 11th December, 1985. Today neither workman nor his authorised representative appeared. So the reference is dismissed in default.

V. P. CHAUDHARY,

Dated the 11th December, 1985.

Presiding Officer,
Labour Court, Ambala.

Endstt. No. 3274, dated the 31st December, 1985.

Forwarded (Four Copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

No. 9/6/86-6Lab/761.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala in respect of the dispute between the Workman and the management of The Chairman-cum-Managing Director, Indian Oil Corporation Limited, Mathura-Jallundur Pipe Line Project, Delhi Terminal Station Comlex, Bijwasan (Delhi) (ii) The Divisional Manager, Indian Oil Corporation Limited (MJPL), G. T. Road, Kuldip Nagar, Ambala Cantt. :—

THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,
AMBALA

Reference No. 312 of 1984

(Old No. 293 of 1983)

between

SHRI INDER SINGH, WORKMAN AND THE MANAGEMENT OF THE CHAIRMAN CUM-MANAGING DIRECTOR, INDIAN OIL CORPORATION LIMITED, MATHURA-JULLUNDUR PIPE LINE PROJECT, DELHI TERMINAL STATION COMPLEX, BIJWASAN (DELHI) (ii) THE DIVISIONAL MANAGER, INDIAN OIL CORPORATION LIMITED (MJPL) G. T. ROAD, KULDIP NAGAR, AMBALA CANTT.

Present:—

Shri O. P. Sharma for the workman.

Shri A. Jain for the respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of his powers conferred,—*vide* clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, referred dispute between Shri Inder Singh workman and the management of the Indian Oil Corporation Ltd., to Labour Court, Faridabad. The terms of the reference are as under:—

“Whether the termination of services of Shri Inder Singh, workman, was justified and in order ? if not, to what relief is he entitled” ?

On creation of Labour Court at Ambala in April, 1984, the reference was received by transfer.

The workman through his demand notice alleged that he is resident of Village Umri, Tehsil Thanesar. He entered in the service of respondent at Ambala Cantt, and had been serving as a watchman-cum-notice server since August, 1981 up to 31st January, 1983. His services were terminated in violation of section 25 (F) of the I. D. Act, 1947. He prayed for his reinstatement with continuity in service as well as with full back wages.

Respondent-management contested the dispute and contended that the statement of claim of workman Inder Singh is basically incorrect. In fact he joined service of Secretary, Haryana Defence and Security Relief Fund Committee at Chandigarh and that Officer used to make payment of his pay etc. It was further contended that claim of workman is nothing to do with the respondent. In fact respondent is governed by the Central Government. (In other words Government of India). Petroleum and its product falls in the union list of the Constitution of India, so Labour Court at Ambala has got no jurisdiction to try this dispute. The matter be referred to Central Labour Court.

On the pleadings of the parties the following issues were framed :—

Issues :

- (1) Whether the termination order dated 31st March, 1983 of the services of the workman is justified; if not, its effects ? OPM.
- (2) Whether the Labour Court, Ambala has got no jurisdiction to try this dispute ? OPM.
- (3) Whether the reference is bad for nonjoinder of necessary parties ? OPM.
- (4) Relief.

Issue No. 1 :

This issue was ordered to be tried as preliminary issue.

Both the parties were afforded opportunity to lead evidence which the availed of.

Issue No. 2 :

Regarding this issue, I would like to mention that the petroleum industry and its products is a subject which is on the union list of Constitution of India. Both the respondents are governed and administered by the Central Government. (In other words the Union of India). In 1975 LABIC, Page 1409, in a case *RKMS Committee v. Central Government Industrial Triable Labour Court* head note-A its was observed that Industrial Disputes Act, 1947 section 2-A(K) S. 10 the appropriate Government—Industrial Dispute—Workers in the Mining Industry—Who can refer the dispute ?

It was observed that mining is an industry and any employee engaged in the mining operations is a workman in the mining industry. Any dispute such employers and its employees would be industrial dispute with in the meaning of Industrial Disputes Act. Such minerals as declared by special enactment are in the Central list of the Constitution and as such the Central Government is the appropriate Government for reference of such dispute under section 10 of the Industrial Disputes Act, 1947. AIR in 1974 Supreme Court page 31 and 1973 LABIC page 1105 (Madhya Pradesh) were relied on.

On the other hand 1968 Supreme Court page 240 para 14 was referred but it was not presented for ready reference, so could not have the benefit of the judicial pronouncement.

In view of the above facts, evidence and case laws referred there to I am of the opinion that there is no doubt the petroleum and its product is a subject in the union list it is governed and administered by the Union of India; any dispute pertaining to this industry has to be referred to the Central Labour Court and Union of India is the competent authority to refer such dispute to the Central Labour Court. Accordingly, I hold that Labour Court at Ambala does not exercise jurisdiction to dispense of the dispute in hand. Accordingly this issue is decided in favour of respondent-management against the workman.

With the above findings I order that the reference be filed and workman be handed over his notice for presenting it before the proper authority.

Dated the 27th December, 1985.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

Endst. No. 3316, dated 31st December, 1985

Forwarded (Four Copies), to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.